

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INTERSTATE POWER AND LIGHT COMPANY	DOCKET NOS. RPU-02-3 RPU-02-8
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ORDER AND NOTICE OF EX PARTE COMMUNICATIONS

(Issued December 3, 2002)

The Utilities Board (Board) is currently conducting hearings in contested case proceedings regarding Interstate Power and Light Company's (IPL) pending electric rate cases, identified as Docket Nos. RPU-02-3 and RPU-02-8. One phase of hearing was held in October, the second phase begins on December 3, 2002, and the final phase begins on January 6, 2003. A decision is expected on or before April 15, 2003.

One of the intervenors in this proceeding is Ag Processing Inc. (Ag Processing). Ag Processing is represented by counsel. On December 2, 2002, the secretary for the Chairman of the Board opened an envelope that contained copies of identical letters from the energy-purchasing agent for Ag Processing to State Representative Bill Schnickel and State Senator Amanda Ragan. The letters addressed issues in the contested rate case proceedings and indicated that copies were sent to Diane Munns, Chairman of the Board.

Iowa Code § 17A.17(1) prohibits communication by the presiding officer, or the Board, concerning any issues in a contested case with any person or party, except upon notice and opportunity for all parties to participate. Communications prohibited by Iowa Code § 17A.17(1) are considered ex parte communications. Iowa Code § 17A.17(4) requires a presiding officer, or the Board, upon receipt of a communication in violation of subsection 17A.17(1) to place in the record of the proceeding all ex parte communications, a memorandum stating the substance of the communications, and a list of each person from whom an ex parte communication was received. In addition, subsection 17A.17(4) requires the Board to advise all parties of the ex parte communications and allow an opportunity for any rebuttal of the ex parte communication.

The Board is issuing this order to comply with the notice and record requirements of subsection 17A.17(4). Copies of the letters will be placed in the official record of this proceeding. Parties will be allowed an opportunity to file a rebuttal to the ex parte communications. The letters were not read by Chairman Munns or any other Board member and the Board will not respond to the letters.

Attempts at influencing the Board's decision through ex parte contacts with the Board are unlawful. Iowa Code § 17A.17(6) provides for appropriate sanctions to be administered for violations of this section of the code. The Board will not apply sanctions to at this time but the ex parte communications by Ag Processing and its agents or employees must cease immediately.

IT IS THEREFORE ORDERED:

1. Copies of the ex parte letters will be filed in the record of this proceeding.
2. Parties may file rebuttal to the ex parte communications on or before December 20, 2002.
3. Ag Processing Inc., its agents, and employees shall cease the unlawful ex parte communications immediately.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 3rd day of December, 2002.